IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 21ST MARCH, 2007 / 30TH PHALGUNA, 1928

WP(C).No. 33040 of 2006(G)

PETITIONER:

A.PRABHAKARAN, ERAPPAKKAL HOUSE,
KALAPPETTY P.O., KUZHALMANNAM, PALAKKAD DISTRICT.

BY ADV. SRI.A.K.MADHAVAN UNNI

RESPONDENTS:

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1. THE KALAPETTY MILK PRODUCERS'
CO-OPERATIVE SOCIETY LTD.NO.P 528 (D)
APCOS P.O. PERIMKUNNAM, PALAKKAD 678 602,
REPRESENTED BY ITS SECRETARY.

2. DEPUTY DIRECTOR, DAIRY DEVELOPMENT,
OFFICE OF THE DEPUTY DIRECTOR, CIVIL STATION,
PALAKKAD.

R1 BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
R2 BY SR.GOVT. PLEADER SRI.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.33040 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the representation dtd.9.2.2005 submitted by the petitioner before the President of the 1st respondent Society.

Ext.P2: Copy of the communciation dated 17.6.2005 issued by R2 addressed to R1.

Ext.P3: Copy of the representation dtd.6.6.2006 submitted by the petitioner.

Ext.P4: Copy of the letter dated.30.8.2006.

Ext.P5: Copy of the letter of R1 dtd.16.6.2006.

Ext.P6: Copy of the letter dtd.17.11.2006 of the respondent-Society to the petitioner.

RESPONDENTS' EXHIBITS:

Ext.R1(a): Copy of resignation letter dtd.1.4.2004 entrusted by the petitioner.

Ext.R1(b): Copy of the resolution passed by the Board of Directors on 22.4.2004.

Ext.R1(c): Copy of Rule 2(4) of the bye-law of the first respondent.

Ext.R1(d): Copy of the letter dtd.26.8.2004 sent by R1 to the petitioner.

Ext.R1(e): Copy of the resolution 8(1) of the Board meeting of R1.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO.33040 OF 2006 - G

Dated this the 21st day of March, 2007

J U D G M E N T

After hearing both sides, I find that there is absolutely no dispute between the parties regarding the issue involved in this writ petition. Petitioner claims Rs.26,273/- as gratuity due to him on his resignation from the first respondent-Society. Counsel for the first respondent-Society submits that the petitioner has been directed to approach the society and collect the amount which he has not done so far.

2. In the above circumstances, I direct the first respondent-Society to forward a demand draft for Rs.26,273/- by registered post with acknowledgment due to the petitioner within one week from the date of receipt of a copy of this judgment. On receipt the said demand draft, all claims of the petitioner for gratuity either under the Co-operative Societies Acts and Rules or under the Payment of the Gratuity Act would stand completely discharged.

The writ petition is disposed of with the above direction.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007